

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

Norman G. Carr,

Plaintiff,

-vs-

Michael J. Astrue, Social Security
Administration Commissioner,

Defendant.

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Case No. 2:09-cv-86

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Plaintiff Norman G. Carr is seeking judicial review of the final decision of the Commissioner of Social Security denying his application for disability insurance benefits and his application for supplemental social security income. The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending the decision of the Commissioner be remanded for consideration of a treating physician's opinion regarding Carr's residual functional capacity (Doc. #12). Neither party filed an objection to the Report and Recommendation within the time prescribed by Fed.R.Civ.P. 72(b) and Local Rule 72.1(D)(3).

After carefully reviewing the Report and Recommendation, along with the entire file, the Court agrees with the Magistrate Judge's analysis. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Plaintiff's Motion for Summary Judgment for reversal is **DENIED** (Doc. #7), but the case is **REMANDED** to the Commissioner for consideration of overlooked evidence; and Defendant's Motion for Summary Judgment (Doc. #9) is **DENIED**.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 23rd day of July, 2010.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court